

State of Wisconsin



2021 Assembly Bill 414

Date of enactment:
Date of publication*:

2021 WISCONSIN ACT

AN ACT to create 66.05105 and 230.49 of the statutes; relating to: anti-racism and anti-sexism training for employees of state government and local government.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 66.05105 of the statutes is created to read:

66.05105 Training regarding race and sex stereotyping. (1) DEFINITIONS. In this section:

(a) "Complainant" means an employee of a political subdivision who has been required by the political subdivision to attend training.

(b) "Political subdivision" means a city, village, town, or county.

(2) TRAINING. A political subdivision shall not require employees of the political subdivision to attend training in which the political subdivision or a contractor hired by the political subdivision teaches, advocates, acts upon, or promotes race or sex stereotyping, including any of the following concepts:

(a) One race or sex is inherently superior to another race or sex.

(b) An individual, by virtue of the individual's race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously.

(c) An individual should be discriminated against or receive adverse treatment because of the individual's race or sex.

(d) Individuals of one race or sex are not able to and should not attempt to treat others without respect to race or sex.

(e) An individual's moral character is necessarily determined by the individual's race or sex.

(f) An individual, by virtue of the individual's race or sex, bears responsibility for acts committed in the past by other individuals of the same race or sex.

(g) An individual should feel discomfort, guilt, anguish, or any other form of psychological distress because of the individual's race or sex.

(h) Systems based on meritocracy or traits such as a hard work ethic are racist or sexist or are created by individuals of a particular race to oppress individuals of another race.

(3) TRAINING MATERIALS. A political subdivision shall post on the political subdivision's Internet site or, if the political subdivision does not have an Internet site, shall otherwise make available to the public all training materials for training provided to employees of the political subdivision, except any materials that the political subdivision is required to keep confidential.

(4) VIOLATION. (a) If the department of revenue determines that a political subdivision has violated sub. (2), the department of revenue shall notify the political subdivision of its violation.

(b) If a political subdivision fails to comply with sub. (2) within 10 days of receiving a notification under par. (a), the department of revenue shall reduce the amount of

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

the payment to the political subdivision under s. 79.02 (1) in the following year by 10 percent.

(c) If the department of revenue determines that a political subdivision has complied with sub. (2) after making a reduction under par. (b), the department of revenue shall restore the amount of the payment to the political subdivision under s. 79.02 (1) to its original amount before the reduction was made under par. (b).

(d) A complainant may file a complaint of an alleged violation of sub. (2) with the department of revenue.

(e) Notwithstanding the immunity set forth under s. 893.80 (4), a complainant may file a complaint for declaratory or injunctive relief against the political subdivision in a court of competent jurisdiction regarding a violation of sub. (2), and if successful in such an action, the complainant may be awarded attorney fees, notwithstanding s. 814.04 (1).

SECTION 2. 230.49 of the statutes is created to read:

230.49 Training regarding race and sex stereotyping. (1) **TRAINING.** An agency shall not require state employees to attend training in which the agency or a contractor hired by an agency teaches, advocates, acts upon, or promotes race or sex stereotyping, including any of the following concepts:

(a) One race or sex is inherently superior to another race or sex.

(b) An individual, by virtue of the individual's race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously.

(c) An individual should be discriminated against or receive adverse treatment because of the individual's race or sex.

(d) Individuals of one race or sex are not able to and should not attempt to treat others without respect to race or sex.

(e) An individual's moral character is necessarily determined by the individual's race or sex.

(f) An individual, by virtue of the individual's race or sex, bears responsibility for acts committed in the past by other members of the same race or sex.

(g) An individual should feel discomfort, guilt, anguish, or any other form of psychological distress because of the individual's race or sex.

(h) Systems based on meritocracy or traits such as a hard work ethic are racist or sexist or are created by individuals of a particular race to oppress individuals of another race.

(2) **TRAINING MATERIALS POSTED.** Each agency shall post on the agency's Internet site all training materials for training provided to employees of the agency, except any materials that the agency is required to keep confidential.

(3) **VIOLATION.** (a) In this subsection, "complainant" means a state employee who is required to attend training.

(b) If the department of administration determines that an agency has violated sub. (1), the department of administration shall notify the agency of its violation.

(c) If an agency fails to comply with sub. (1) within 10 days of receiving a notification under par. (b), the department of administration shall withhold 10 percent of the funding for all positions, as defined in s. 230.03 (11), in the agency for the following year.

(d) If the department of administration determines that an agency has complied with sub. (1) after withholding funding under par. (c), the department of administration shall release the withheld funding.

(e) A complainant may file a complaint of an alleged violation of sub. (1) with the department of administration.

(f) Notwithstanding the immunity set forth under s. 893.80 (4), a complainant may file a complaint for declaratory or injunctive relief against the state in a court of competent jurisdiction regarding a violation of sub. (1), and if successful in such an action, the complainant may be awarded attorney fees, notwithstanding s. 814.04 (1).
